

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DISTRICT**

**KENNETH TODD COX
6104 Fishers Station Road
Lothian, MD 20711**

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Plaintiff,

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vs.

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Case No.:

**HOME DEPOT USA, INC.
2455 Paces Ferry Rd, SE
Atlanta, GA 30339**

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**SERVE ON: THE CORPORATION TRUST
INCORPORATED
351 West Camden Street
Baltimore, Maryland 21201**

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Defendant.

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COMPLAINT

COMES NOW, the Plaintiff, Kenneth Todd Cox, by and through undersigned counsel,
files this Complaint and, for reasons therefore, states as follows:

1. That Plaintiff, Kenneth Todd Cox, is a resident of Anne Arundel County,
Maryland.
2. That Defendant, Home Depot USA, Inc. (hereinafter "Home Depot"), is a
corporation with its executive office and principle place of business at Pace Ferry Road, SE in
Atlanta, Georgia.
3. This Court has jurisdiction over this lawsuit pursuant to 28 U.S.C. § 1332(a)
because: 1) the amount in controversy exceeds the sum or value of \$75,000, exclusive interest

and costs; and 2) Defendant Home Depot's state of citizenship Georgia, is different from Maryland, the state of citizenship of Plaintiff, Kenneth Todd Cox.

4. Venue is appropriate in this Court pursuant to 28 U.S.C. § 1391(b) because Plaintiff Kenneth Todd Cox is a resident of a county in the district in which this Court is located and, additionally, because the events giving rise to the claim occurred within this judicial district.

COUNT I
(Negligence)

5. That on or about August 20, 2019, Plaintiff, Kenneth Todd Cox, was lawfully on the premises owned and/or maintained by Defendant, Home Depot, as a business invitee at the subject property located at 15410 Chrysler Road, Upper Marlboro, MD 20772.

6. That on the same date and time described herein, Plaintiff, Kenneth Todd Cox, was selecting lumber from a floor display whereupon 4x4 pieces of lumber, which were unsecured, slid down a slanted rack and struck the Plaintiff in the head and neck at the subject property located at 15410 Chrysler Road, Upper Marlboro, MD 20772 causing severe injuries.

7. That at all times referred to herein, Defendant, Home Depot, by and through its agents, servants and/or employees, knew or should have known that the subject lumber display rack was in a hazardous and unsafe condition to those patrons at the subject property, including the Plaintiff Kenneth Todd Cox.

8. That Defendant, Home Depot, by and through its agents, servants and/or employees, had reasonable time to either rid the lumber display rack of the dangerous, hazardous and unsafe conditions and/or warn the Plaintiff of the dangerous, hazardous and unsafe conditions created by the unsecured lumber display rack, but Defendant, Home Depot, failed to do so.

9. That at all times referred to herein, Defendant, Home Depot, by and through its agents, servants and/or employees, had a duty to maintain the subject display in a safe condition, to rid the lumber display rack of all dangerous, hazardous and unsafe conditions, to secure the lumber on the display rack in a timely and/or complete manner, to warn the Plaintiff of all dangerous, hazardous and unsafe conditions, and otherwise act in a non-negligent manner.

10. That Defendant, Home Depot, by and through its agents, servants and/or employees, breached its aforementioned duties owed to Plaintiff, Kenneth Todd Cox, in failing to maintain the lumber display rack in a safe condition, in failing to rid the lumber display rack of all dangerous, hazardous and unsafe conditions, in failing to secure the lumber on the display rack in a timely and/or complete manner and otherwise acting in a negligent manner.

11. That as a direct and proximate result of the negligence of Defendant, Home Depot, the Plaintiff, Kenneth Todd Cox, sustained severe, painful and permanent injuries to his body, as well as severe and protracted shock to his nervous system, all of which have caused and will continue to cause him great pain and mental anguish.

12. That as a direct and proximate result of the negligent actions of Defendant, Home Depot, Plaintiff, Kenneth Todd Cox, has been forced to expend and will continue to expend in the future, large sums of money from hospitalization, x-rays, doctors, nurses, medical treatment, and medications for the treatment of the aforementioned injuries to the Plaintiff, Kenneth Todd Cox.

13. That as a direct and proximate result of the negligent actions of the Defendant, Home Depot, Plaintiff, Kenneth Todd Cox, was forced to lose time from his employment and suffered a loss of wages.

14. That at no time relevant hereto was the Plaintiff, Kenneth Todd Cox, contributorily negligent nor did he assume the risk.

WHEREFORE, the Plaintiff, Kenneth Todd Cox, prays for judgment against the Defendant, Home Depot, in excess of Seventy Five Thousand Dollars (\$75,000.00), plus interest and cost of this suit.

Dated: September 25, 2020

Respectfully submitted,

/s/ Paul J. Weber

Paul J. Weber (Bar No. 03570)

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Counsel for Plaintiff

Kenneth Todd Cox

PRAYER FOR JURY TRIAL

The Plaintiff, Kenneth Todd Cox, prays for a trial by jury in the above-captioned case.

Dated: September 25, 2020

Respectfully submitted,

/s/ Paul J. Weber

Paul J. Weber (Bar No. 03570)

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Counsel for Plaintiff

Kenneth Todd Cox